

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

JESSE THOMAS, )  
 )  
 Plaintiff, ) )  
 )  
 v. ) ) CASE NO. 1:07-cv-07131  
 ) ) JUDGE GUZMAN  
EXXON MOBIL CORP, ) ) MAGISTRATE JUDGE MASON  
 )  
 Defendant. )

**MOTION TO EXTEND DEADLINES FOR DISCOVERY AND  
DISPOSITIVE MOTIONS**

Defendant Exxon Mobil Oil Corporation ("ExxonMobil"), by counsel, moves for an order extending the deadlines for various pretrial activities, including close of discovery (current deadline is September 8, 2008), and filing of dispositive motions (current deadline is October 8, 2008). In support of this Motion, Defendant shows as follows:

1. The Court ordered at the status hearing held April 11, 2008, that discovery be completed by September 8, 2008 and dispositive motions be filed by October 8, 2008.
2. The Parties have served and responded to written discovery, are continuing to engage in Rule 37.2 discovery conferences, and have had some settlement discussions. Defendant served responses to Plaintiff's First Set of Interrogatories on August 4, 2008, served Supplemental responses on August 21, and copied and produced more than 1,000 pages of responsive documents for Plaintiff's inspection. Plaintiff's responses to Defendant's written discovery requests are expected September 7, 2008, barring the need for filing and briefing of any motion to compel by either party or any request by Plaintiff for additional time to respond.

3. In a separate state court matter (2008 L 2119, Cook County, (IL) Circuit Court) in which ExxonMobil is not a party, Plaintiff served a subpoena requesting numerous categories of documents from ExxonMobil as a third party. Many of those requests are identical or similar to the Request for Production and/or Interrogatories in the instant case. Defendant reasonably has sought to avoid any delay or duplication of effort by responding to both requests in a consistent fashion.

4. Defendant objected to responding to numerous of Plaintiff's Request for Production and Interrogatories that seek disclosure of documents contained in personnel files of non-parties, that would reveal confidential and proprietary non-public business information and/or trade secrets, or that otherwise would constitute an unwarranted invasion of privacy, but has agreed to produce such document subject to a protective order. In fact, Defendant agreed to produce confidential documents even before a Protective Order was entered, on the condition and upon Plaintiff's counsel's assurance those documents would be for "attorney's eyes only." A motion for a Protective Order is being filed contemporaneously and is being noticed for hearing by and approval by the Court.

5. To date, despite best efforts, written discovery has not been completed and depositions have not been scheduled. A second Rule 37.2 discovery conference is scheduled for September 3, 2008, and depending on the outcome of that conference, there may be need for motion(s) to compel and briefing associated with same. It is essential that all discovery disputes be resolved, either between the parties or by the Court, prior to any depositions.

6. Defendant wishes to prevent any unnecessary expense or effort, and to conserve judicial resources. To accomplish that, Defendant respectfully requests additional time to

complete all written discovery and schedule necessary depositions,<sup>1</sup> and a proportionate enlargement of time to prepare and file summary judgment motions.

7. This extension is not intended to hinder or delay prosecution in this matter but to prevent prejudice to the parties and avoid inconvenience to the Court.

WHEREFORE, Defendant requests that the Court enlarge those deadlines as follows: close of all discovery by October 30, 2008 and deadline for filing of dispositive motions by December 15, 2008.

Respectfully submitted,

OGLETREE DEAKINS NASH SMOAK  
& STEWART, P.C.

By: s/ Jan Michelsen  
Jan Michelsen, #18078-49

Ogletree Deakins Nash Smoak  
& Stewart, P.C.  
111 Monument Circle  
Suite 4600  
Indianapolis, Indiana 46204  
317/916-1300

Attorneys for Defendant  
Exxon Mobil Oil Corporation

---

<sup>1</sup> Defendant intends to depose Plaintiff Jesse Thomas. Plaintiff's counsel have not yet revealed what, if any, depositions they plan to schedule.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing *Motion to Extend Deadlines for Discovery and Dispositive Motions* has been filed electronically, this 2<sup>nd</sup> day of September, 2008. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

Aaron B. Maduff  
Anne Kim  
Maduff & Maduff, LLC  
One East Wacker Drive  
Suite 2122  
Chicago, Illinois 60601

s/ Jan Michelsen  
Jan Michelsen

6558008.1 (OGLETREE)